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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

June 4, 2008

**CERTIFIED MAIL 7003 1680 0007 1587 1929**

Mr. Tom Arrowsmith  
Kunze Farm Investment Company  
5500 NE 109<sup>th</sup> Court, Suite C  
Vancouver, Washington 98662

RE: **Administrative Order No 5669:** Authorizing impacts to 0.06 acres of isolated wetlands to develop a 96 acre subdivision with 360 single family residential lots in Grant County, Washington located on parcel number 170841000 near the City of Moses Lake in Grant County, Washington (S 30, T 19 N, R 28 E).

Dear Mr. Arrowsmith:

The request for an administrative order for proposed work in isolated wetlands for the Sun Terrace Development has been reviewed. The State of Washington has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other appropriate requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Jeremy Sikes at (509) 329-3462. The enclosed Order may be appealed by the procedures described in the Order.

Sincerely,

Brian G. Farmer, Section Manager  
Shorelands and Environmental Assistance Program  
Eastern Regional Office

BGF/JS/ljs  
Enclosure

cc: Jeremy Sikes, Ecology, ERO  
Penny Keys, Ecology, HQ  
Loree Randall, Ecology, HQ  
Michele McGraw, Ecological Land Services, Inc.  
Anne Henning, Moses Lake Planning Department



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY )  
Kunze Farm Investment Company )  
FOR AN ADMINISTRATIVE ORDER TO ) ORDER NO. DE 5669  
CONDUCT WORK IN AN ISOLATED WETLAND )

To:  
Mr. Tom Arrowsmith  
Kunze Farm Investment Company  
5500 NE 109<sup>th</sup> Court, Suite C  
Vancouver, Washington 98662

This is an Administrative Order requiring Tom Arrowsmith of Kunze Farm Investment Company to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

On May 9, 2008, Kunze Farm Investment Company submitted a completed request to impact 0.06 acres of an isolated wetland to develop a 96 acre subdivision with 360 single family residential lots in Grant County, Washington. Mitigation is proposed to offset impacts via creation of 0.12 acres of emergent/scrub-shrub wetland on site on a parcel to be secured with an irrevocable deed restriction, and surrounded by a public park. State Endangered Northern Leopard Frogs have been confirmed on-site, and WDFW-required off-site mitigation is on-going under a separate Administrative Order.

For purposes of this Order, the term "Applicant" shall mean Tom Arrowsmith of Kunze Farm Investment Company and his/its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that Tom Arrowsmith of Kunze Farm Investment Company shall comply with the following:

1. Tom Arrowsmith of Kunze Farm Investment Company shall construct and operate the project in a manner consistent with the project description contained in the above referenced JARPA application, "Amended Sun Terrace Mitigation Plan" dated March 10, 2008, or as otherwise approved by Ecology.
2. Project mitigation shall be constructed and maintained as described in "Amended Sun Terrace Mitigation Plan" dated March 10, 2008, with one exception described below under Number 4.
3. A. Submit a final as-built report for the wetland mitigation project, with drawings, to Ecology within 60 days of completing construction, including planting.  
  
B. Provide one electronic copy on compact disc and one hard copy. Always prominently display the Corps Reference Number, Ecology Docket Number, or both.  
  
C. Include the following information in the as-built report:

- i. Final site topography.
- ii. Photographs taken from permanent reference points.
- iii. Installed planting scheme with quantities, densities, sizes and approximate locations.
- iv. Types of habitat features and their locations.
- v. Important dates including:
  - a. When the development project's construction began.
  - b. Starting and completion dates of the construction of the compensatory mitigation project including grading and planting of the site.
- vi. Name and contact information for the parties responsible for the mitigation site including the applicant, landowner, and wetland professional on site during construction.
- vii. Description of and reasons for any changes to the plan.
- viii. Description of any problems that occurred during construction.
- ix. List of any follow-up actions needed with a schedule.
- x. Copy of the deed notification.

D. If the mitigation project is not completed within 13 months of the date of this Administrative Order, submit a written status report on the mitigation construction. Continue to submit status reports every 12 months until the construction (including planting) of the mitigation is complete and the final as-built report is submitted.

4. Submit a written report describing the monitoring results (as described in the Mitigation Plan) annually for the 5-year monitoring period to the Department of Ecology's Eastern Regional Office Attn: Jeremy Sikes, no later than December 31. The Year 1 monitoring report will be submitted with the as-built plans as required above.
5. Kunze Farm Investment Company shall provide access to the project site and all mitigation sites upon request by Ecology.
6. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
7. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.
8. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours

- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

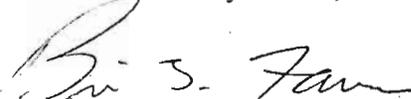
**3. And send a copy of your appeal to:**

Jeremy Sikes  
Department of Ecology  
Eastern Regional Office  
4601 N Monroe  
Spokane, WA 99205

*For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>  
To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

DATED this 4<sup>th</sup> day of June, 2008 at Spokane, Washington.



Brian Farmer, Section Manager  
Shorelines and Environmental Assistance Program  
Eastern Region Office

BGF/JS/ljs